

# PATENT COOPERATION TREATY

**PCT**

## NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner  
US Department of Commerce  
United States Patent and Trademark  
Office, PCT  
2011 South Clark Place Room  
CP2/5C24  
Arlington, VA 22202  
ETATS-UNIS D'AMERIQUE  
in its capacity as elected Office

Date of mailing: 12 July 2001 (12.07.01)	
International application No.: PCT/AU01/00014	Applicant's or agent's file reference: 201 1 001
International filing date: 08 January 2001 (08.01.01)	Priority date: 07 January 2000 (07.01.00)
Applicant: TASSES, Paul	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International preliminary Examining Authority on:  
04 April 2001 (04.04.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was  
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer: J. Zahra Telephone No.: (41-22) 338.83.38
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## INTERNATIONAL SEARCH REPORT

International application No.

PCT/AU01/00014

<b>A. CLASSIFICATION OF SUBJECT MATTER</b>																						
Int. Cl. <sup>7</sup> : A23L 3/365, B65B 25/00, B65B 29/00																						
According to International Patent Classification (IPC) or to both national classification and IPC																						
<b>B. FIELDS SEARCHED</b>																						
Minimum documentation searched (classification system followed by classification symbols) IPC A23, A47, B65B, B65D																						
Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched US CLASS 426/393																						
Electronic data base consulted during the international search (name of data base and, where practicable, search terms used) WPAT, USCLASS																						
<b>C. DOCUMENTS CONSIDERED TO BE RELEVANT</b>																						
Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.																				
A	US 4 328 254 A (WALDBURGER), 4 May 1982 whole of document																					
A	JP 11-278552 A (OSAKA GAS CO LTD), 12 October 1999 whole of document																					
A	GB 2 333 222 A (SOCIETE DES PRODUITS NESTLE SA), 21 July 1999 whole of document																					
A	WO 99/23013 A (HOFMAN-MENU HOLDING GmbH), 14 May 1999 whole of document																					
<input type="checkbox"/> Further documents are listed in the continuation of Box C <input checked="" type="checkbox"/> See patent family annex																						
<p>* Special categories of cited documents:</p> <table border="0"> <tr> <td>"A"</td> <td>document defining the general state of the art which is not considered to be of particular relevance</td> <td>"T"</td> <td>later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention</td> </tr> <tr> <td>"E"</td> <td>earlier application or patent but published on or after the international filing date</td> <td>"X"</td> <td>document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone</td> </tr> <tr> <td>"L"</td> <td>document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)</td> <td>"Y"</td> <td>document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art</td> </tr> <tr> <td>"O"</td> <td>document referring to an oral disclosure, use, exhibition or other means</td> <td>"&amp;"</td> <td>document member of the same patent family</td> </tr> <tr> <td>"P"</td> <td>document published prior to the international filing date but later than the priority date claimed</td> <td></td> <td></td> </tr> </table>			"A"	document defining the general state of the art which is not considered to be of particular relevance	"T"	later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention	"E"	earlier application or patent but published on or after the international filing date	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone	"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art	"O"	document referring to an oral disclosure, use, exhibition or other means	"&"	document member of the same patent family	"P"	document published prior to the international filing date but later than the priority date claimed		
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"E"	earlier application or patent but published on or after the international filing date	"X"	document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone																			
"L"	document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y"	document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art																			
"O"	document referring to an oral disclosure, use, exhibition or other means	"&"	document member of the same patent family																			
"P"	document published prior to the international filing date but later than the priority date claimed																					
Date of the actual completion of the international search 20 February 2001		Date of mailing of the international search report 28 February 2001																				
Name and mailing address of the ISA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929		Authorized officer  GARETH COOK Telephone No : (02) 6283 2541																				

**INTERNATIONAL SEARCH REPORT**  
Information on patent family members

International application No.  
**PCT/AU01/00014**

This Annex lists the known "A" publication level patent family members relating to the patent documents cited in the above-mentioned international search report. The Australian Patent Office is in no way liable for these particulars which are merely given for the purpose of information.

Patent Document Cited in Search Report				Patent Family Member			
US	4 328 254	CA	1 138 667				
GB	2 333 222	AU	12124/99	BR	9900113	EP	930 021
		JP	11-235163	NO	985246		
WO	99/23013	AU	96314/98	DE	12 748 307	EP	1 027 266
END OF ANNEX							

## PATENT COOPERATION TREATY

PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

12/789/980307

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REC'D 07 MAY 2001

PCT

Applicant's or agent's file reference 2011001	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416).
International Application No. PCT/AU01/00014	International Filing Date (day/month/year) 8 January 2001	Priority Date (day/month/year) 7 January 2001 <sup>4</sup>
International Patent Classification (IPC) or national classification and IPC Int. Cl. <sup>7</sup> A23L 3/365, B65B 25/00, B65B 29/00		
Applicant ALLIED CHEFS PTY LIMITED et al		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheet(s).

3. This report contains indications relating to the following items:

- |      |                                     |   |
|------|-------------------------------------|---|
| I    | <input checked="" type="checkbox"/> | Basis of the report   |
| II   | <input type="checkbox"/>            | Priority  |
| III  | <input type="checkbox"/>            | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| IV   | <input type="checkbox"/>            | Lack of unity of invention  |
| V    | <input checked="" type="checkbox"/> | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| VI   | <input type="checkbox"/>            | Certain documents cited   |
| VII  | <input type="checkbox"/>            | Certain defects in the international application  |
| VIII | <input type="checkbox"/>            | Certain observations on the international application   |

Date of submission of the demand 4 April 2001	Date of completion of the report 24 April 2001
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  GARETH COOK Telephone No. (02) 6283 2541

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU01/00014

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

☒ the international application as originally filed.

☐ the description, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of

☐ the claims, pages , as originally filed,  
pages , as amended (together with any statement) under Article 19,  
pages , filed with the demand,  
pages , received on with the letter of

☐ the drawings, pages , as originally filed,  
pages , filed with the demand,  
pages , received on with the letter of

☐ the sequence listing part of the description:  
pages , as originally filed  
pages , filed with the demand  
pages , received on with the letter of

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, was on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

### 4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/fig.

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/AU01/00014

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims 1-2	YES
	Claims	NO
Inventive step (IS)	Claims 1-2	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-2	YES
	Claims	NO

### 2. Citations and explanations (Rule 70.7)

The following documents identified in the International Search Report have been considered for the purposes of this report:

US 4 328 254

JP 11-278552

GB 2 333 222

WO 98/23013

All the documents cited in the ISR were category A only. Therefore the claimed invention is not disclosed in any of these patent documents, nor is it obvious in the light of these documents, either singularly or in combination, and hence all the claims are novel and inventive under Article 33 of the PCT.

The claimed invention also has industrial applicability under Article 33(4) of the PCT.